

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ANDY L. SMITH

§

V.

§

CIVIL ACTION NO. 6:08cv101

TINA KILE, ET AL.

§

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction. No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction. Any motion not previously ruled on is **DENIED**.

SIGNED this 10th day of June, 2008.

Michael H. Schneider

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE